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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number 10/509,292

Filing Date September 23, 2004

First Named Inventor Drivas, D.

Art Unit 1644

Examiner Name Crowder, Chun

Attorney Docket Number MP-01

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	--Response to Restriction Requirement (3 pages)
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

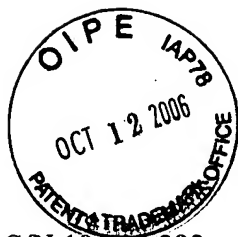
Firm Name	Hoxie & Tso LLP		
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Date	October 9, 2006	Reg. No.	32,993

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S/N 10/509,292

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Drivas, D.	)	Examiner:	Crowder, Chun
		)		
Serial No.:	10/509,292	)	Group Art Unit:	1644
		)		
Filed:	September 23, 2004	)	Confirmation No.:	3709
		)		
Title:	Methods and Compositions for	)	Attorney Docket:	MP-01
	Treating and Preventing Eotaxin	)		
	Mediated Inflammatory Conditions	)		

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1,143, Applicant requests reconsideration and withdrawal of the Restriction Requirement dated September 7, 2006,

The Examiner bases that restriction requirement on the argument that "the inventions of Groups I and III were found to have no special technical feature that defined the contribution over the prior art of Jose et al."<sup>1</sup> Jose et al. describes the isolation and amino acid sequence of guinea pig eotaxin and the possible involvement of eotaxin in the guinea pig model of allergic

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<sup>1</sup> Examiner cites Jose et al. at JBC 1994, Vol. 179, pages 881-887 stating that this reference was cited in an Information Disclosure Statement filed in this case on January 3, 2005. Applicant submitted two articles by Jose et al. with an Information Disclosure Statement dated December 22, 2004, neither of which was from JBC. Applicant believes the Examiner is referring to Jose et al., J. Exp. Med. 1994, Vol. 179, pages 881-887.

airways inflammation. Jose et al. however do not disclose human eotaxin, let alone eotaxin vaccines or immunogenic conjugates or methods of treatment involving generation of an active immune response to eotaxin. Certainly, this reference does not disclose or suggest the compositions and methods of the instant invention.

There is a technical relationship among the claims, all of which involve methods or immunogenic compositions for generating an active immune response to eotaxin, a special technical feature which is not disclosed or suggested in the art relied on by the Examiner. Accordingly, there is unity of invention within the meaning of PCT Rule 13 and 37 C.F.R. §1.475, and Applicant therefore respectfully requests that the restriction requirement be withdrawn.

Pursuant to 37 C.F.R. 1.143 and reserving all rights, including the right to reinstatement or rejoinder in the event the restriction requirement is withdrawn or a generic claim is allowed, and the right to pursue any non-elected inventions in divisional applications, Applicant provisionally restricts to the claims in Group I and provisionally elects the species wherein the immunogenic composition comprises a peptide fragment (SEQ ID NO 16) conjugated to DT, *e.g.*, as disclosed on page 17 of the specification.

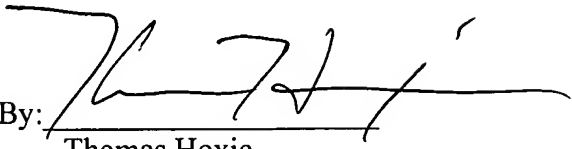
Reconsideration and withdrawal of the Restriction Requirement and a speedy allowance of the claims submitted is respectfully requested. The Examiner is invited to contact the

undersigned attorney for the Applicant in the event of any questions.

Respectfully submitted,

Date: October 9, 2006

By:

  
Thomas Hoxie  
Reg. No. 32,993

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